

BEFORE THE BOARD OF RADIOLOGIC TECHNOLOGISTS  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the proposed	)	NOTICE OF PUBLIC HEARING
amendment of ARM 8.56.602C, permit	)	ON PROPOSED AMENDMENT
examinations, and the proposed	)	AND ADOPTION
adoption of NEW RULES I through	)	
IV pertaining to radiologist	)	
assistants, scope of practice,	)	
supervision, and adoption of a	)	
code of ethics	)	

TO: All Concerned Persons

1. On December 7, 2004, at 10:00 a.m., a public hearing will be held in room 471 of the Park Avenue Building, 301 South Park, Helena, Montana to consider the proposed amendment and adoption of the above-stated rules.

2. The Department of Labor and Industry will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Radiologic Technologists no later than 5:00 p.m. December 1, 2004, to advise us of the nature of the accommodation that you need. Please contact Helena Lee, Board of Radiologic Technologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2385; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or e-mail dlibsdrts@state.mt.us.

3. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

8.56.602C PERMIT EXAMINATIONS (1) ~~The general portion of the permit~~ American registry of radiologic technologists (ARRT) limited scope of practice in radiology core examination contains questions common to all areas of specified x-ray procedures and includes the following topics: basic radiobiology, radiation protection, imaging equipment, x-ray physics, radiographic technique and principles of radiographic exposure, darkroom procedures and ~~inter-relationship~~ interrelationship of the radiographic chain. All limited permit applicants shall pass the ~~general portion of the permit~~ ARRT limited permit core examination.

(a) In addition to the ~~general portion~~ core examination, 40-hour course graduates shall complete ~~an~~ a module examination for each specified x-ray procedure the applicant desires to be permitted to perform. The ~~specified examinations~~ module examinations shall include questions in anatomy, physiology, pathology and x-ray technique common to the ~~specified procedure~~ individual module. Limited permits

are issued in Montana for chest, extremities, skull/sinuses, and spine modules.

~~(2) Applicants for examination may request to take the examination in the board office any day of the working week. This request must be in writing and must be received in the board office at least 10 days prior to the requested examination date.~~

~~(3) Examination results will be mailed out to each examinee by the board office within 10 days after the administration of the examination.~~

~~(4) Applicants may review their examination papers with administrative staff for the board at the board office or at an approved site designated by the board.~~

~~(5) A non refundable fee will be assessed for the examination. After failing the examination, the applicant will be required to submit another examination fee.~~

~~(6) (2) Applicants for a limited 40-hour course permit (40 hour course) who fail an examination twice must any portion of the limited permit examination (core or individual modules) on two attempts shall retake that be required to successfully complete additional coursework in the failed portion area(s) of the formal x ray training examination before being allowed admission to retake the failed portion(s) of the examination a third examination time. Upon completion of the additional course work in the failed area, the applicant must file a new application accompanied by the appropriate fees, with the board office.~~

~~(a) remains the same.~~

~~(7) (3) Student permit applications applicants (two semesters or its equivalent in an ARRT recognized radiologic technologist program) who have failed the general examination twice must re take the general examination plus all six category exams. fail the core examination on two attempts shall retake the core examination and all four individual module examinations.~~

~~(8) (4) Temporary permit applicants (ARRT recognized program graduates) who have failed the ARRT radiologic technologist exam three times must shall take the general exam plus all six category exams. ARRT limited permit core examination and all four individual module examinations.~~

~~(9) (5) A passing score of 75% is required on each of the general and specified sections of the examination. Retakes of any portion or section of an examination shall require a 75% passing score. A minimum passing score of 70% is required on the limited permit core examination. The passing score for each individual module examination is 50% or greater when the module is combined with the core examination.~~

~~(10) remains the same but is renumbered (6).~~

AUTH: 37-1-131, 37-14-202, MCA

IMP: 37-14-306, MCA

REASON: The Board has determined it is reasonably necessary to amend this rule to clarify the examination requirements for

limited permit applicants. The ARRT limited scope of practice in radiology examination is a nationally recognized entry-level limited permit examination. The Board has determined to discontinue writing its own examination for limited permit applicants and to now require the ARRT examination for limited permit licensure of Montana radiologic technologists. The Board is proposing to clarify the requirements for retaking the limited permit examination upon failure of the core or module examinations. The Board finds that requiring additional study in any failed topic areas prior to retesting is the best way to ensure that qualified applicants are becoming licensed to practice. The Board determined it is reasonable and necessary to reduce the acceptable minimum passing score on the limited permit core examination from 75% to 70%. As provided in the July 2002 update of the ARRT Evaluation of the Passing Score for the Limited Scope Examination, the mean score for the 2002 ARRT limited permit core examination was 66%. The Board determined the ARRT core examination is sufficiently difficult that continuing with the current 75% passing score would result in the needless failure of a majority of limited permit examinees. Subsequently, the Board concluded that requiring a minimum passing score of 70% on the limited permit core examination and 50% on the individual permit module examinations is sufficient to ensure qualified limited permit applicants for licensure. The authority citations are being amended to accurately reflect the statutory sources of the Board's rulemaking authority for this rule.

4. The proposed NEW RULES provide as follows:

NEW RULE I QUALIFICATIONS (1) A radiologist assistant (RA) may also be referred to as a radiology practitioner assistant (RPA) pursuant to 37-14-313, MCA.

(2) To become licensed as a RA/RPA, an applicant shall:

(a) graduate from a radiologist assistant educational program recognized by:

(i) the American college of radiology (ACR);

(ii) the American registry of radiologic technologists (ARRT); or

(iii) the American society of radiologic technologists (ASRT);

(b) be certified as a RA/RPA by ARRT when that certification becomes available. In lieu of or prior to ARRT certification, the board will accept certification from the certification board for radiologist practitioner assistant (CBRPA) or eligibility to sit for the CBRPA certification examination;

(c) maintain an active ARRT registration status in radiography;

(d) submit a copy of current certification in advanced cardiac life support (ACLS) skills;

(e) furnish validation of participation in continuing education activities with a minimum of 24 hours of continuing education credits annually;

(f) have a current Montana radiologic technologist (RT) license; and

(g) submit to the board a letter from the supervising radiologist certifying completion of a clinical preceptorship.

AUTH: 37-1-131, 37-14-202, MCA

IMP: 37-14-313, MCA

REASON: The Board has determined it is reasonably necessary to adopt New Rule I to establish qualifications for licensure as radiologist assistants/radiologist practitioner assistants (RA/RPA) and to further implement Chapter 307, Laws of 2003 (House Bill 501). House Bill 501 required that the Board provide for the qualified licensure of RA/RPAs. Section three of the bill required the Board to establish rules defining the scope of practice and functions of the RA/RPA which are to be consistent with the guidelines adopted by the American College of Radiology (ACR), the American Society of Radiologic Technologists (ASRT) and the American Registry of Radiologic Technologists (ARRT). The Board determined that the qualifications as set forth in New Rule I are necessary to ensure that only qualified applicants are being licensed with the RA/RPA credential and to protect the public from potential harm from unqualified RA/RPAs.

NEW RULE II SCOPE OF PRACTICE - SPECIFIC DUTIES AND FUNCTIONS (1) The RA/RPA shall evaluate the day's schedule of procedures with the supervising radiologist or the radiologist designate and determine where the RA/RPA's skills will be best utilized.

(2) After demonstrating competency, the RA/RPA under the general supervision of the supervising radiologist or the radiologist designate, may perform the following procedures:

(a) fluoroscopic procedures (static and dynamic);

(b) arthrograms, pursuant to 37-14-301, MCA; and

(c) peripheral venograms, pursuant to 37-14-301, MCA.

(3) The RA/RPA may make initial observations of diagnostic images and forward them to the supervising radiologist.

(4) The RA/RPA shall assess and evaluate the psychological and physiological responsiveness of each patient.

(5) The RA/RPA shall participate in patient management, including acquisition of additional imaging for completion of the exam and record documentation in medical records.

(6) The RA/RPA shall administer intravenous contrast media or glucagon under the supervision of a radiologist or the attending physician pursuant to 37-14-301, MCA.

AUTH: 37-1-131, 37-14-202, 37-14-313, MCA

IMP: 37-14-102, 37-14-301, 37-14-313, MCA

REASON: The Board has determined this New Rule II is reasonably necessary to comply with and implement legislative provisions expressed by passage of Section 3, Chapter 307, Laws of 2003 (House Bill 501), that require the Board to specify the duties and functions of licensed RA/RPAs. The proposed duties and functions are consistent with guidelines already established by the American College of Radiology (ACR), the American Society of Radiologic Technologists (ASRT), and the American Registry of Radiologic Technologists (ARRT) as mandated by House Bill 501. Adoption of New Rule II provides the scope of practice for the RA/RPA as an "advanced-level licensed radiologic technologist who works under the general supervision of a radiologist to enhance patient care by assisting the radiologist in the diagnostic imaging environment" per 37-14-102, MCA. The radiologist assistant shall not interpret radiological examinations nor transmit observations to anyone other than to the RA/RPA's supervising radiologist.

NEW RULE III SCOPE OF REQUIRED SUPERVISION (1) A RA/RPA may only perform diagnostic procedures under the general supervision of a licensed radiologist. In order for a RA/RPA to be considered under the general supervision of a radiologist, the RA/RPA must:

(a) meet with the supervising radiologist on a regularly scheduled basis of not less than once every week;

(b) provide the supervising radiologist with copies of records from procedures the RA/RPA has performed;

(c) seek input from the supervising radiologist regarding any issues relating to the RA/RPA's performance of diagnostic procedures; and

(d) have a means of contacting the radiologist in order to obtain a timely consultation.

(i) Consultations with the supervising radiologist are considered timely if the radiologist replies to the RA/RPA within eight hours of the RA/RPA's request for consultation.

(2) Consultations with the supervising radiologist shall be conducted:

(a) in person;

(b) by telephone;

(c) by interactive videoconferencing; or

(d) by electronic means of communication, such as e-mail.

(3) The RA/RPA shall not perform any diagnostic procedure for which a consultation is needed or appropriate, until such time as consultation has occurred and the RA/RPA has been advised or directed by the radiologist how to proceed.

AUTH: 37-1-131, 37-14-202, 37-14-313, MCA

IMP: 37-14-102, 37-14-313, MCA

REASON: The Board has determined that New Rule III is reasonably necessary to comply with legislative intent as expressed by passage of Chapter 307, Laws of 2003 (House Bill 501). The Board proposes New Rule III to further delineate and describe the general supervision requirements for the licensed RA/RPA in Montana. The proposed scope of required supervision is consistent with the supervision requirements of the ACR, ASRT, and ARRT, as required in House Bill 501.

NEW RULE IV CODE OF ETHICS (1) The board adopts and incorporates by reference the most recent code of ethics adopted by the ARRT which became effective in July 2003.

(2) Copies of the ARRT code of ethics may be obtained on the ARRT website at [www.arrrt.org](http://www.arrrt.org) or from the office of the board at 301 S. Park Avenue, Helena, or P.O. Box 200513, Helena, Montana 59620-0513.

(3) The RA/RPA shall adhere to and abide by the ARRT code of ethics.

(4) In addition to the ARRT code of ethics, the conduct of the RA/RPA shall be governed by the following additional ethical and professional principles. The RA/RPA shall:

(a) adhere to all state and federal laws governing informed consent concerning patient health care;

(b) seek consultation with the supervising radiologist, other health providers, or qualified professionals having special skills, knowledge or expertise whenever the welfare of the patient will be safeguarded or advanced by such consultation;

(c) provide only those services for which the RA/RPA is qualified via education, demonstration of clinical competency, and as allowed by rule;

(d) not misrepresent in any manner, either directly or indirectly, the RA/RPA's clinical skills, educational experience, professional credentials, identity, or ability and capability to provide radiology health care services;

(e) place service before material gain; and

(f) carefully guard against conflicts of professional interest.

AUTH: 37-1-131, 37-14-202, MCA

IMP: 37-14-202, 37-14-313, MCA

REASON: The Board has determined that adoption of the ARRT code of ethics in New Rule IV is reasonable and necessary as Section 3, Chapter 307, Laws of 2003 (House Bill 501) requires the Board to adopt rules for the allowable duties and scope of practice for RA/RPAs that are consistent with the guidelines of ARRT, ACR and ASRT. The ARRT code of ethics is uniformly interpreted and enforced by these three entities. Adoption of a code of ethics will provide an ethical framework for the practice of RA/RPAs that will also assist the Board in preserving public health and safety by promoting the quality practice of radiologist assistants.

5. Concerned persons may present their data, views or arguments either orally or in writing at the hearing. Written data, views or arguments may also be submitted to the Board of Radiologic Technologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to [dlibsdrts@state.mt.us](mailto:dlibsdrts@state.mt.us), and must be received no later than 5:00 p.m., December 15, 2004.

6. An electronic copy of this Notice of Public Hearing is available through the Department and Board's site on the World Wide Web at <http://www.discoveringmontana.com/dli/rts>. The Department strives to make the electronic copy of this Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

7. The Board of Radiologic Technologists maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this Board. Persons who wish to have their name added to the list shall make a written request, which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all Board of Radiologic Technologists administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Board of Radiologic Technologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to [dlibsdrts@state.mt.us](mailto:dlibsdrts@state.mt.us), or by completing a request form at any rules hearing held by the agency.

8. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled.

9. Lon Mitchell, attorney, has been designated to preside over and conduct this hearing.

BOARD OF RADIOLOGIC TECHNOLOGISTS  
JOHN ROSENBAUM, CHAIRPERSON

/s/ WENDY J. KEATING  
Wendy J. Keating, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

/s/ DARCEE L. MOE  
Darcee L. Moe  
Alternate Rule Reviewer

Certified to the Secretary of State October 25, 2004